PETITION FOR RESIDENTIAL ZONING VARIANCE E/S Michelle Way, 9 ft. E of \* ZONING COMMISSIONER c/l Parking Heights Avenue \* OF BALTIMORE COUNTY 3701 Michelle Way 3rd Election District 2nd Councilmanic District \* Case No. 93-55-A Edward Mishner, et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 5B6-B of the Comprehensive Manual of Development Policy (C.M.D.P.) to allow a 4 ft. side and 14 ft. rear window to property line setback, in lieu of the required 15 ft., and to amend the Second Amended Final Development Plan of Anton Woods, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with

Affidavit in support of Administrative Variance

Baltimore, Maryland 21208

Severe slopes to rear prohibit addition in this direction. Neighbor relationship

\_\_, 19<u>92</u>, before me, a Notary Public of the State

of fronts of houses prohibit front addition. Left side abutts Storm Water

Management Pond and therefore, is not in conflict with any neighbor.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made onth in due form of law

that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belie

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administration

lestify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at \_\_\_\_ 3701 Michelle Way

Variance at the above address: Indicate hardship or practical difficulty)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of August of Maryland, in and for the County aforesaid, personally appeared

Dr. Edward Mishner and Mrs. Ann Mishner

the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24 day of April 1992 that the Petition for a Zoning Variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 5B6-B of the Comprehensive Manual of Development Policy (C.M.D.P.) to allow a 4 ft. side and 14 ft. rear window to property line setback, in lieu of the required 15 ft., and to amend the Second Amended Final Development Plan of Anton Woods, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

ZONING DESCRIPTION FOR 3701 MICHELLE WAY

Beginning at a point on the East side of Michelle Way, which is 50' wide at the distance of 900' East of the centerline of the nearest improved intersecting street (Park Heights Avenue) which is 120' wide. Being Lot 19, Block \_\_\_\_\_, Section 2 in the Subdivision of Anton Woods as recorded in Baltimore County Plat Book 54, Folio 134 containing .39 acres. Also known as 3701 Michelle Way and located in the 3rd Election District.

93-55-A

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District	Date of Posting 9/3/92
Posted for: Varience	
Brown Or Flylan & Amer Mich 22	•
Location of property: ES Michelle Woy 375	(1) 9' El Port Height Ara
Location of Signer Facing Yord Way on	enopoly of falilioner
Remarks:	
Posted by #115 Lesly	Date of return: 2/4/92
Name of the last o	

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 23, 1992

Joseph P. Brandli, Esquire c/o Levin Brown and ASsoc. 17 Warren Road, Suite 7B Baltimore, Maryland 21208

> RE: Petition for Administrative Zoning Variance Case No. 93-55-A Dr. Edward Mishner, et ux 3701 Michelle Way

Dear Mr. Brandli:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

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fqilesen

LES:mmn

cc: Dr. Edward Mishner and wife



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3701 Michelle Way

which is presently sened DR-1 This Petition shall be filed with the Office of Zenting Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, hereby petition for a Variance from Section(e) SECTION 504 - CMOP 586-B

TO ALLOW 4' SIDE AND 14' REAR WINDOW TO PROPERTY LINE SETBACK, IN LIEU OF THE REQUIRED IS AND AMEND THE (ZND) AMENDED FOR ANTON WOODS of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

Severe 'slopes to rear prohibit addition in this direction. Neighbor relationship of fronts of houses prohibit front addition. Left side abutts Storm Water Management Pond and therefore, is not in conflict with any neighbor.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lesses:			(We do solemnly declare and affirm, under legal owner(s) of the property which is the au Legal Owner(s).	bject of this Patition
(Type or Print Name)			Dr. Edward Mishner	
Signature			Edward B. Most	merus
Address			Mrs. Ann Mishner	
City	State	Zipcode	Jan mushmen	J
Momey for Petitioner:		·		
Joseph P. Brand	1 <b>i</b>		3701 Markalla !!	
Type or Print Name)		<del></del>	3701 Michelle Way	484-0490
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Ngneture	, sum	ne,	City	MD. 21208
YO LEVIN BY	rown & As	SA	Name, Address and phone number of legal or to be contacted.	titale Zipco mer, contract purchaser or rep
17 Warren Road	SUITE 78			
ddress	Phone			
Baltimore.	MD.	21208	Name	
ity	State	Zipcode	Address	
				Phone No
Public Hearing having been re	ducted and less to			
nat the subject matter of this pe	rillion be set for a put	ra to be required, it is order blic hearing , advertised, a	ed by the Zoning Commissioner of Baltimore Cou s required by the Zoning Regulations of Baltimore	nty, this day of
reaugnout Saltimon	<ul> <li>County, and that the</li> </ul>	properly be recosted	and to make the second regulations of Baltimore	County, in two newspapers

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ITEM #:

Joseph P. Brandli, Esquire Levin, Brown & Associates 17 Warren Road, Suite 7B Baltimore, MD 21208

RE: Item No. 72, Case No. 93-55-A Petitioner: Edward Mishner, et ux Petition for Administrative Variance

September 19, 1992

Dear Mr. Brandli:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



04A04#0062MICHRC \$85.00
BA CO11:34AM08-20-92
Please Make Checks Psychia Te: Baltimere County

PAID HER HAND WRITTEN RECKIPT DATED 8/20/92

PUBLIC HEARING FEES

010 -ZONING VARIANCE (IRL) \$50.00 080 -POSTING SIGNS / ADVERTISING 1

LAST NAME OF OWNER: MISHNER

WORK 19

H9300072

MISHNER 3701 Michelle Way Elside Michelle Way 900' Not & Park Heights the

ADMINISTRATIVE VAIRIANCE

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

(410) 887-3353

Your petition has been received and accepted for filing this 20th day of August, 1992

ARNOLD JABLON
DIRECTOR

Possived By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Edward Mishner, et ux
Petitioner's Attorney: Jospeh P. Brandli

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Baltimore County Government Fire Department	
700 East Joppa Road Suite 901 Towson, MD 21204-5500 (410) 887-4500 SEPTEMBER 1, 1992	
Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204	
RE: Property Owner: DR. EDWARD MISHNER AND ANN MISHNER	
Location: #3701 MICHELLE WAY  Item No.: **WORK #19 (LJG) Zoning Agenda: AUGUST 31 1992	
Item No.: WORK #19 (LJG) Zoning Agenda: AUGUST 31, 1992 Gentlemen:	
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.	
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.	
REVIEWER: apt leve Sicher Noted and Approved	
Planning Group Fire Prevention Bureau Special Inspection Division	
JP/KEK	
PRCHIVE	
SEP 8 1992	
ZONING OFFICE	

Zoning Issue

Meeting Date

8/31/92 **NC** 

Project Name File Number

DED DEPRM RP STP TE

DED DEPRM RP STP TE

DED DEPRM RP STP TE

COUNT 14

FINAL TOTALS COUNT 15

Cheryl Blevins

Dr. Edward and Ann Mishner

\*\*\* END OF REPORT \*\*\*

Trvin R. and Judith B. Zeigenfuse

Zoning Admin	n, Director Istration & Development Management
	Deputy Director Planning and Zoning
DATE: September :	3, 1992
SUBJECT: 3701 Mic	chelle Way
<u>INFORMATION</u> : Item Number:	Work #19 #72
Petitioner:	Dr. Edward Mishner
Property Size:	0.39 acres
Zoning:	D.R. 1
Requested Action:	Administrative Variance
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Hearing Date:	
SUMMARY OF RECOMME The petitioner is 14' rear window to	
SUMMARY OF RECOMME The petitioner is 14' rear window to the 2nd amended FD	ANDATIONS: requesting an administrative variance to allow a 4' side and a the property line setback in lieu of the required 15' Also
SUMMARY OF RECOMMETER The petitioner is 14' rear window to the 2nd amended FI. The Office of Planquest.  The Office of Planthat the proposed	INDATIONS: requesting an administrative variance to allow a 4' side and a the property line setback in lieu of the required 15'. Also, P of Anton Woods must be amended.
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BALTINORE COUNTY, MARYLAND

Authorized signature			Date
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Dr. Edward and Ann Mishner			
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Cheryl Blevins			
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Development Review Committee Respons	5tform	Date 9/8/92
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	BALTOMORE COUNTY, MAR AND				
	DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT				
	INTER-OFFICE CORRESPONDENCE				
то:	Mr. Arnold Jablon, Director DATE: October 14, 1992 Zoning Administration and Development Management				
FROM:	J. Lawrence Pilson JU//1005 Development Coordinator, DEPRM				
SUBJE	CT: Zoning Item #Work #19 (**) 3701 Michelle Way Zoning Advisory Committee Meeting of August 31, 1992				
DEPRM	epartment of Environmental Protection and Resource Management offers of lowing comments on the above referenced zoning item.  supports issuance of this variance. However, during the course of ing permit issuance stream buffers and revegetation thereof will be red.				
LP:sp					
MICHEL	LE/TXTSBP				
Fo	eld 10/21/92				

